

REMARKS

The Examiner has objected to the disclosure under 37 CFR 1.163(a).

In paragraph "A," the Examiner has requested that the botanical name of the plant be italicized. Applicant has amended the specification to italicize the botanical name of the plant. Withdrawal of this objection is respectfully requested.

In paragraph "B," the Examiner has requested a brief description of how the new variety is distinguished from the cultivars 'Brightside' and 'Purple Passion.' Applicant has amended the specification in paragraph [0077] to include this information. Withdrawal of this objection is respectfully requested.

In paragraph "C," the Examiner has requested correction of the description of Figure 2. Applicant has amended the specification to correct this description. Withdrawal of this objection is respectfully requested.

In paragraph "D," the Examiner has requested a statement that the claimed cultivar is stable and reproduces true to type in successive generations of asexual reproduction. Applicant has amended the specification to include this information. Withdrawal of this objection is respectfully requested.

In paragraph "E," the Examiner has requested additional information as to the flower colors depicted in Figure 2. Applicant respectfully requests to submit this information at a later time as it is not available because the plants are not flowering at the present time.

In paragraph "F," the Examiner has requested clarification of what is being described in paragraphs [0068] through [0072]. Applicant has amended the specification to clarify that the disc florets are being described. References to "bud" in these paragraphs have been removed. Withdrawal of this objection is respectfully requested.

In paragraph "G," the Examiner has requested clarification of the bud color as the recitation in paragraph [0068] does not correspond with the bud color shown in Figure 2. Applicant respectfully requests to submit this information at a later time as it is not available because the plants are not flowering at the present time.

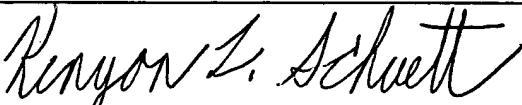
In paragraph "H," the Examiner has requested clarification of the upper ray floret base coloration. Applicant has amended this in Table 1 from "N78D" to "80B." Withdrawal of this objection is respectfully requested.

In paragraph "I," the Examiner has requested correction of the claim to include the word "plant" after "Osteospermum." Applicant has amended the claim as requested by the Examiner. Withdrawal of this objection is respectfully requested.

The claim is rejected under 35 U.S.C. §112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant. Applicant has amended the specification to provide a clearer and more complete description of the present invention. Withdrawal of this rejection is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached pages are captioned "**Version with markings to show changes made.**" Additionally, attached is a clean version captioned "**Clean Version**".

In view of the above amendments and remarks, it is submitted that the claim satisfies the provisions of 35 U.S.C. § 112 and that the disclosure satisfies the provisions of 37 C.F.R. 1.163. Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Kenyon L. Schuett, Reg. No. 44,324				
SIGNATURE				DATE	September 24, 2004
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898